



U.S. OFFICE OF SPECIAL COUNSEL
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October 7, 2019

Ms. Samah Norquist
Special Advisor on Religious Pluralism
in the Middle East
U.S. Agency for International Development

VIA EMAIL: *snorquist@usaid.gov*

Re: OSC File No. HA-19-004593

Dear Ms. Norquist:

This letter is in response to complaints the U.S. Office of Special Counsel (OSC) received alleging that you, as Special Advisor on Religious Pluralism in the Middle East at the U.S. Agency for International Development (USAID), violated the Hatch Act during a July 17, 2019 conference hosted by the U.S. Department of State. We reviewed this allegation, and as explained below, concluded that you did not violate the Hatch Act. Accordingly, we are closing our file without further action.

The Hatch Act restricts certain political activities of federal executive branch employees and prohibits them from, among other things, using their official authority or influence for the purpose of interfering with or affecting the result of an election.¹ This prohibition includes, for example, using one's official title while engaging in political activity or otherwise participating in political activity while in one's official capacity.² The Hatch Act also prohibits employees from engaging in political activity while on duty or in a federal room or building.³ Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.⁴

At issue here are comments you made when you moderated a panel on “First Year of the Genocide Recovery and Persecution Response Program: Partner Perspective from the Field.” An audience member asked what would happen to U.S. involvement in Iraq if President Trump loses the 2020 election. After one panel member noted a bipartisan bill in support of religious minorities in Iraq, you said that support for religious freedom is “an American issue” and “we all hope whether it’s Trump, and hopefully he will be reelected, or not, that it continues to be a priority for our government.”

¹ 5 U.S.C. § 7323(a)(1).

² See 5 C.F.R. § 734.302(b).

³ 5 U.S.C. § 7324(a).

⁴ 5 C.F.R. § 734.101.

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You responded to a political question about the outcome of the 2020 presidential election. And your response made it clear that you did not believe the results of the election would negatively impact the U.S.'s support for religious freedom in Iraq. You did not say or suggest that President Trump must be reelected for it to continue; indeed, you called it "an American issue," dissociating its continuation from President Trump's electoral success. Considering this response, the fact that you also expressed your own hope that President Trump be reelected is not enough for OSC to conclude that you engaged in activity directed at his electoral success. Therefore, even though you moderated the panel discussion in your official capacity as a USAID employee, you did not engage in prohibited political activity in violation the Hatch Act. Accordingly, we are closing our file without further action.

You may contact me at (202) 804-7054 if you have any questions.

Sincerely,



Erica S. Hamrick
Deputy Chief
Hatch Act Unit